

Total No of Pages (including this): 17 #12

FAX RECEIVED

OCT 24 2003

## PETITIONS OFFICE

PTO/SB/64 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)Docket Number (Optional)  
MJ20US

First named inventor: GREGORY JOHN MCAVOY

Application No.: 09/693,079

Group Art Unit: 1775

Filed: October 20, 2000

Examiner: Archene A Turner

Title: Thermoelastic Actuator Design

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☐ Small entity-fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,330 (37 CFR 1.17(m))

## 2. Reply and/or fee

## A. The reply and/or fee to the above-noted Office action in

the form of response (Identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

## B. The issue fee of \$\_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on  
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC  
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

11/07/2003 AKELLEY 00000020 09693079

01 FC:1453

1330.00 DP

PTO/SB/64 (10-00)  
Approved for use 10/31/2002. OMB 0661-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

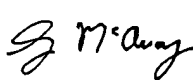
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

October 22, 2003

Date



Signature

Telephone (+61 2) 98186633 (Australia)

Number: (\_\_\_\_) \_\_\_\_\_

Email -

kia.silverbrook@silverbrookresearch.com

GREGORY JOHN MCAVOY and KIA SILVERBROOK

Typed or printed name

393 Darling Street, Balmain, NSW 2041, Australia

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: Extension of Time and Credit Card Authorisation

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

October 22, 2003

Date



Signature

GREGORY JOHN MCAVOY and KIA SILVERBROOK

Type or printed name of person signing certificate

Attachment to:  
Form PTO/SB/64 (10-00)

USSN 09/693,079

FAX RECEIVED

OCT 24 2003

PETITIONS OFFICE

STATEMENT OF UNINTENTIONAL DELAY

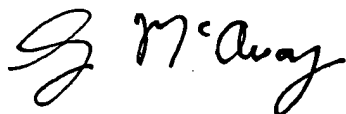
The Applicant respectfully submits that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137 (b) was unintentional.

The Applicant submits that the Office Action was not received by the Applicant and therefore failed to respond in a timely manner. The Applicant respectfully submits that he had every intention of continuing with the prosecution of the application and would have filed a response had he been aware that an Office Action had issued.

The Applicant requested a copy of Office Action from Examiner on October 20, 2003.

The Applicant now encloses a Response to Office Action and respectfully requests that the petition to reinstate the prosecution of this application be granted and we look forward to receipt of Office Action.

A credit card is attached to cover the petition and petition for extension of time fees amounting to \$1,750.00.



.....  
Gregory John McAvoy



.....  
Kia Silverbrook

October 22, 2003